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Montie S. Day, Attorney (Cal Bar No. 73327)  
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P. O. Box 1045  
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Tel: (208) 280-3766

Attorneys for Estela D. Reed

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

PRINCIPAL LIFE INSURANCE  
COMPANY,

Plaintiff,

VS.

VINA CUESTA STATUA, INOCENCIO  
S. AMBE, CORAZON AMBE  
CABALES, ESTELA D. REED, and  
DOES 1-10,

### Defendants.

ESTELA D. REED.

Cross-claimant,

VS.

VINA CUESTA STATUA, INOCENCIO  
S. AMBE, and CORAZON AMBE  
CABALES,

### Cross-defendants.

PROOF OF SERVICE OF SUMMONS; ANSWER TO COMPLAINT AND CROSS-COMPLAINT BY REED, EXHIBIT A TO CROSS-COMPLAINT

(Service on Carazon Ambe Cabales)

## PROOF OF SERVICE



ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address) <b>DAY LAW OFFICES</b> <b>Monte S. Day,</b> <b>Post Office Box 1045 Shoshone, ID 83352</b>  TELEPHONE NO.: (208) 280-3766 FAX NO. (Optional): (208) 886-9953 E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): <b>Cross-Claimant</b>		FOR COURT USE ONLY
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b>  STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: , CA BRANCH NAME:		
PLAINTIFF/PETITIONER: <b>PRINCIPAL LIFE INSURANCE COMPANY</b> DEFENDANT/RESPONDENT: <b>VINA CUESTA STATUA</b>		CASE NUMBER: <b>C-07-4915 CW</b>
<b>PROOF OF SERVICE OF SUMMONS</b>		Ref. No. or File No.:

(Separate proof of service is required for each party served.)

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of:
  - a. ☐ summons
  - b. ☐ complaint
  - c. ☐ Alternative Dispute Resolution (ADR) package
  - d. ☐ Civil Case Cover Sheet (served in complex cases only)
  - e. ☐ cross-complaint
  - f. ☒ other (specify documents): **Summons In A Civil Case; Answer to Complaint and Cross-Claim by Reed; Exhibit A to Cross-Claim**
3. a. Party served (specify name of party as shown on documents served):  
**CARAZON AMBE CABALES**
  - b. ☐ Person (other than the party in item 3a) served on behalf of an entity or as an authorized agent (and not a person under item 5b on whom substituted service was made) (specify name and relationship of party named in item 3a):
4. Address where the party was served: **462 37TH STREET**  
**OAKLAND, CA 94609**
5. I served the party (check proper box)
  - a. ☐ **by personal service.** I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on (date): (2) at (time):
  - b. ☒ **by substituted service.** On (date): **01/25/2008** at (time): **08:10 pm** I left the documents listed in item 2 with or in the presence of (name and title or relationship to person indicated in item 3b):  
**"Jane Doe"; Caucasian female, 20ish, 5'4, 135lbs, Brn hair, Co-Occupant**
    - (1) ☐ **(business)** a person at least 18 years of age apparently in charge at the office or usual place of business of the person to be served. I informed him or her of the general nature of the papers.
    - (2) ☒ **(home)** a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the party. I informed him or her of the general nature of the papers.
    - (3) ☐ **(physical address unknown)** a person at least 18 years of age apparently in charge at the usual mailing address of the person to be served, other than a United States Postal Service post office box. I informed him or her of the general nature of the papers.
    - (4) ☐ I thereafter mailed (by first-class, postage prepaid) copies of the documents to the person to be served at the place where the copies were left (Code Civ. Proc., §415.20). I mailed the documents on (date): from (city): or ☒ a declaration of mailing is attached.
    - (5) ☒ I attach a **declaration of diligence** stating actions taken first to attempt personal service.



PLAINTIFF/PETITIONER: <b>PRINCIPAL LIFE INSURANCE COMPANY</b>	CASE NUMBER:
DEFENDANT/RESPONDENT: <b>VINA CUESTA STATUA</b>	<b>C-07-4915 CW</b>

- c. ☐ **by mail and acknowledgment of receipt of service.** I mailed the documents listed in item 2 to the party, to the address shown in item 4, by first-class mail, postage prepaid,

(1) on (date):

(2) from (city):

- (3) ☐ with two copies of the *Notice and Acknowledgment of Receipt* and a postage-paid return envelope addressed to me. (*Attach completed Notice and Acknowledgment of Receipt.*) (Code Civ. Proc., § 415.30.)

- (4) ☐ to an address outside California with return receipt requested. (Code Civ. Proc., § 415.40.)

- d. ☐ **by other means** (*specify means of service and authorizing code section*):

☐ Additional page describing service is attached.

6. The "Notice to the Person Served" (on the summons) was completed as follows:

- a. ☒ as an individual defendant.  
 b. ☐ as the person sued under the fictitious name of (*specify*):  
 c. ☐ as occupant.  
 d. ☐ On behalf of (*specify*):

under the following Code of Civil Procedure section:

- |   |   |
|---|---|
| <input type="checkbox"/> 416.10 (corporation)                     | <input type="checkbox"/> 415.95 (business organization, form unknown) |
| <input type="checkbox"/> 416.20 (defunct corporation)             | <input type="checkbox"/> 416.60 (minor)                               |
| <input type="checkbox"/> 416.30 (joint stock company/association) | <input type="checkbox"/> 416.70 (ward or conservatee)                 |
| <input type="checkbox"/> 416.40 (association or partnership)      | <input type="checkbox"/> 416.90 (authorized person)                   |
| <input type="checkbox"/> 416.50 (public entity)                   | <input type="checkbox"/> 415.46 (occupant)                            |
|   | <input type="checkbox"/> other:                                       |

7. **Person who served papers**

- a. Name: **John Sharper**  
 b. Address: **55 Santa Clara Ave., Ste 120 Oakland, CA 94610**  
 c. Telephone number: **(510) 419-3940**  
 d. The fee for service was: **\$ 30.00**  
 e. I am:

- (1) ☐ not a registered California process server.  
 (2) ☐ exempt from registration under Business and Professions Code section 22350(b).  
 (3) ☒ registered California process server:  
     (i) ☐ owner ☐ employee ☒ independent contractor.  
     (ii) Registration No.: **713**  
     (iii) County: **Alameda**

8. ☒ I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.  
 or

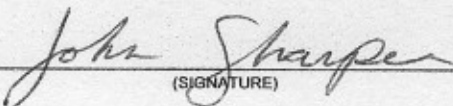
9. ☐ I am a California sheriff or marshal and I certify that the foregoing is true and correct.

Date: **01/31/2008**

**INTERCEPTOR Legal Support Service, Inc.**  
**55 Santa Clara Ave., Ste 120**  
**Oakland, CA 94610**  
**(510) 419-3940**

**John Sharper**

(NAME OF PERSON WHO SERVED PAPERS/SHERIFF OR MARSHAL)

  
 (SIGNATURE)



ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address) <b>Monte S. Day,</b> <b>DAY LAW OFFICES</b> <b>Post Office Box 1045 Shoshone, ID 83352</b>  TELEPHONE NO.: (208) 280-3766 FAX NO.: (208) 886-9953 E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): <b>Cross-Claimant</b>	FOR COURT USE ONLY
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b>  STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: , CA BRANCH NAME:	
PLAINTIFF/PETITIONER: <b>PRINCIPAL LIFE INSURANCE COMPANY</b> DEFENDANT/RESPONDENT: <b>VINA CUESTA STATUA</b>	
<b>DECLARATION OF DILIGENCE</b>	CASE NUMBER: <b>C-07-4915 CW</b>

I received the within process on January 18, 2008 and that after due and diligent effort I have not been able to personally serve said witness. The following itemization of the dates and times of attempts details the efforts required to effect personal service. Additional costs for diligence are recoverable under CCP §1033.5 (a)(4)(B).

Servee: **CARAZON AMBE CABALES**

As enumerated below:

<b>01/20/2008 -- 11:52 am</b>  (NAR) - There was no answer at the given residence address at the time of this attempt.  <b>01/23/2008 -- 09:29 pm</b>  (NAR) - There was no answer at the given residence address at the time of this attempt.  <b>01/24/2008 -- 07:35 am</b>  (NAR) - There was no answer at the given residence address at the time of this attempt.	<b>462 37TH STREET</b> <b>OAKLAND, CA 94609</b>  <b>462 37TH STREET</b> <b>OAKLAND, CA 94609</b>  <b>462 37TH STREET</b> <b>OAKLAND, CA 94609</b>
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County: **Alameda**  
 Registration No.: **713**  
**INTERCEPTOR Legal Support Service,**  
**Inc.**  
**55 Santa Clara Ave., Ste 120**  
**Oakland, CA 94610**  
**(510) 419-3940**

I declare under penalty of perjury under the laws of the State of California that the foregoing information contained in the return of service and statement of service fees is true and correct and that this declaration was executed on **January 31, 2008 at Oakland, California.**

Signature: \_\_\_\_\_

*John Sharper*  
**John Sharper**

**DECLARATION OF DILIGENCE**

Order#: P151530/DilFormat.mdl



ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address) <b>Monte S. Day,</b> <b>DAY LAW OFFICES</b> <b>Post Office Box 1045 Shoshone, ID 83352</b>  TELEPHONE NO.: <b>(208) 280-3766</b> FAX NO.: <b>(208) 886-9953</b> E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): <b>Cross-Claimant</b>		FOR COURT USE ONLY
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF</b>  STREET ADDRESS:  MAILING ADDRESS:  CITY AND ZIP CODE: , <b>CA</b>  BRANCH NAME:		
PLAINTIFF/PETITIONER: <b>PRINCIPAL LIFE INSURANCE COMPANY</b>  DEFENDANT/RESPONDENT: <b>VINA CUESTA STATUA</b>		
<b>PROOF OF SERVICE BY MAIL</b>		
		CASE NUMBER: <b>C-07-4915 CW</b>

I am a citizen of the United States and employed in the County of Alameda, State of California. I am over the age of 18 and not a party to the within action. My business address is 55 Santa Clara Ave., Ste 120, Oakland, CA 94610.

On January 28, 2008, after substituted service under section CCP 415.20(a) or 415.20(b) or FRCIV.P 4(d)(1) was made, I mailed copies of the:

**Summons In A Civil Case; Answer to Complaint and Cross-Claim by Reed; Exhibit A to Cross-Claim; Summons In A Civil Case; Answer to Complaint and Cross-Claim by Reed; Exhibit A to Cross-Claim**

to the defendant in said action by placing a true copy thereof enclosed in a sealed envelope, with First Class postage thereon fully prepaid, in the United States Mail at Oakland, California, addressed as follows:

**CARAZON AMBE CABALES**  
**462 37TH STREET**  
**OAKLAND, CA 94609**

I am readily familiar with the firm's practice for collection and processing of documents for mailing. Under that practice, it would be deposited within the United States Postal Service, on that same day, with postage thereon fully prepaid at Oakland, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one (1) day after date of deposit for mailing in affidavit.

Fee for Service: 30 . 00

Mailed From: Oakland  
Nytira S. Duplessis  
INTERCEPTOR Legal Support Service,  
Inc.  
55 Santa Clara Ave., Ste 120  
Oakland, CA 94610  
(510) 419-3940

I declare under penalty of perjury under the laws of the State of California that the foregoing information contained in the return of service and statement of service fees is true and correct and that this declaration was executed on **January 31, 2008**.

Signature: \_\_\_\_\_

*Nyctira S. Duplessis*  
Nyctira S. Duplessis

**PROOF OF SERVICE BY MAIL**

Order#: P151530/GProof5

**CERTIFICATE OF SERVICE**

I, Montie S. Day, state that the following described documents were served on the below listed parties and/or attorney in the manner set forth below:

**Documents Served:**

**PROOF OF SERVICE OF SUMMONS, ANSWER TO COMPLAINT AND CROSS-COMPLAINT BY REED, EXHIBIT A TO CROSS-COMPLAINT**

**(SERVED: CARAZON AMBE CABALES)**

by serving electronically the following automatically upon filing by ECF procedures

**Michael K. Brisbin**

michael.brisbin@wilsonelser.com,joya.yeung@wilsonelser.com

**Adrienne Clare Publicover**

Adrienne.Publicover@WilsonElser.com,Nancy.Li@WilsonElser.com,Charan.Higbee@WilsonElser.com

**Montie S. Day**

Oyad@aol.com

**Daniel J. DeVries**

DJDV@DeVriesLawGroup.com,jma@devrieslawgroup.com,cbj@devrieslawgroup.com

and by serving the following parties who may have an interest in the pending motion by mailing such notice addressed as follows (if not served electronically as above):

Corazon Ambe Cabales  
462 37<sup>th</sup> Street  
Oakland, California 94609  
Defendant

Mr. Inocencio S. Ambe  
907 Paroba Street  
Santa Maria, Sta. Ana  
2022 Pampanga, Philippines  
Defendant

I declare under the penalties of perjury that the foregoing is true and correct, and that I have



executed this certificate on February 8, 2008 at Williams, California 95987

/s/ Montie S. Day

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Montie S. Day, Attorney